

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72073 of 2022

Arising Out of PS. Case No.-453 Year-2022 Thana- SIWAN CITY District- Siwan

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Fool Mohamad Rai @ Phul Mahammad Ray @ Ful Mohamd Son of Uttam
Rai R/V- Dharm Makariyar, P.S- Muffasil, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Advocate
	Mrs. Kumari Anupam, Advocate
For the Opposite Party/s :	Mr. Choubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2023 Heard Mr. Yogesh Chandra Verma, learned Senior

Counsel for the petitioner and Mr. Choubey Jawahar learned

Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
28.09.2022 in connection with Siwan Town P.S. Case No. 453
of 2022, F.I.R. dated 30.07.2022 for the offences punishable
under Sections 420, 467, 468, 471 of the Indian Penal Code.

Allegation against the petitioner is that he got
appointment as Home Guard on the basis of the forged
certificate, which was not issued by the concerned school.

Learned senior counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case on the basis of order passed in
C.W.J.C. No. 116 of 2020. He further submits that the allegation



against the petitioner is that he has furnished the false and forged certificate in class-7 and same was found on inquiry that the certificate was false and fabricated and not to be issued in school in question. He further submits that in fact the petitioner has submit the genuine certificate at the time of passing the class-7. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 28.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. Case No. 453 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the



evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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